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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/658,877	09/10/2003	Tadgh Eisirt Casey	500-148 PCT/US/CON 2 (ICC)	3209
23869	7590	12/20/2005		EXAMINER
HOFFMANN & BARON, LLP 6900 JERICHO TURNPIKE SYOSSET, NY 11791			LEE, JONG SUK	
			ART UNIT	PAPER NUMBER
			3673	

DATE MAILED: 12/20/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/658,877	CASEY ET AL.
	Examiner Jong-Suk (James) Lee	Art Unit 3673

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 10 June 2005.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-12, 15 and 16 is/are rejected.
- 7) Claim(s) 13 and 14 is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____ .
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>12/6/05</u> .	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: _____ .

## **DETAILED ACTION**

1. Receipt is acknowledged of a response/request for reconsideration filed June 10, 2005.

### ***Claim Objections***

2. Claim 6 is objected to because of the following informalities:

Claim 6, lines 3-4: “the dispenser of dispenser” should be -- the dispenser --.

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(f) or (g) prior art under 35 U.S.C. 103(a).

4. Claims 1-5, 8, 11, 12 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over German Patent Application Publication'446 (DE 2900446 A) in view of Donovan (US

5,560,377).

German Patent Application Publication'446 discloses a screwed pipe joint sealing material bobbin winding long-fiber string comprising the inherent method steps comprising providing a dispenser (3) having a joint-sealing material packaged therein, removing a portion of the joint-sealing material (1) from the dispenser, and applying the portion of the joint-sealing material to threads of a first threaded male component (G) of the threaded assembly (R) (see Figs. 1-2; English Translated Abstract).

However, German Patent Application Publication'446 fails to disclose or fairly suggest the joint-sealing material comprising a multifilament yarn and a joint-sealing composition ready coated over the yarn.

Donovan discloses a dental floss/sealing material comprising of a composite of a multifilament yarn bonded to an extruded monofilament, both element are made of polymer compounds, preferably Dupont multifilament polyamide nylon (see col.4, lines 44-54) (see Figs. 1-4; col.2, lines 62-68; col.3, lines 1-61).

Therefore, in view of Donovan, it would have been obvious to one of ordinary skill in the art at the time the invention was made to replace the joint-sealing material with the dental floss/sealing material in order to enhance the sealing effect and endurability for the joint the sealing element.

With respect to the sealing composition viscosity such as between 20,000 mPas and 500,000 mPas, an artisan within the ordinary skill in the art would have provided such a range of viscosity for the composition while in producing the sealing composition in order to optimize the sealing effect.

5. Claims 6 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over German Patent Application Publication'446, as modified by Donovan, as applied to claim 1, further in view of Dolan et al (US 5,607,050). The teachings of German Patent Application Publication'446 modified by Donovan have been discussed above.

However, the teachings of German Patent Application Publication'446 modified by Donovan fails to disclose or fairly suggest the dispenser having an aperture and a closure means to close the aperture and cutting element for cutting the portion of the joint-sealing material.

Dolan et al. disclose a floss dispenser comprising of a cylindrical body/wall (14) having a top portion comprising of a cutter (54) for cutting the joint-sealing material, an aperture (46) for pulling the floss therethrough and a closure means (58) as depicted in Fig. 3 (see Figs. 1-7; col.3, lines 43-67; col.4, lines 1-64).

Therefore, in view of Dolan et al., it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the dispenser of German'446 as modified by Donovan, by replacing with the dispenser as taught by Dolan et al. in order to protect the sealing material thereinside.

6. Claims 9, 10 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over German Patent Application Publication'446, as modified by Donovan, as applied to claim 8 and 12, respectively, further in view of Marini et al (US 5,804,290). The teachings of German Patent Application Publication'446 modified by Donovan have been discussed above.

However, the teachings of German Patent Application Publication'446 modified by Donovan fails to disclose or fairly suggest a filler of the joint sealing material.

Marini et al discloses a filler for the dental floss having a polytetrafluoroethylene containing a high temperature resistant polyamide and whiting as filler (see col.2, lines 29-63).

Therefore, in view of Marini et al, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the joint sealing material of German'446 as modified by Donovan, by adding the filler in order to enhance the strength and sealing effect.

***Response to Arguments***

7. Applicant's arguments with respect to claims 1-16 have been considered but are moot in view of the new ground(s) of rejection.

***Allowable Subject Matter***

8. Claims 13 and 14 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Conclusion***

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Other reference cited disclose a winding device and a pipe-threaded sealing tape reel with tape retarding element.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jong-Suk (James) Lee whose telephone number is (571) 272-7044. The examiner can normally be reached on 6:30 am to 3:00 pm, Monday thru Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather C. Shackelford can be reached on (571) 272-7049. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Jong-Suk (James) Lee  
Primary Examiner  
Art Unit 3673

/jjl  
December 14, 2005